

**STATE OF MONTANA**  
**DEPARTMENT OF INSURANCE**  
840 Helena Avenue, Helena, MT 59601  
1-800-332-6148 (in state)  
(406) 444-2040 - Fax (406) 444-3497  
e-mail stateauditor@state.mt.us  
web site - sao.state.mt.us

**APPLICATION FOR CONSULTANT'S LICENSE**

(Should be filled in with typewriter or ink)

TO THE INSURANCE COMMISSIONER OF THE STATE OF MONTANA:

\* Application Fee \$50.00

The undersigned hereby applies for a license to act as: ( ) RESIDENT ( ) NON-RESIDENT insurance consultant pursuant to the provisions of Section 33-17-501 through 33-17-513, Montana Code Annotated, for the kinds of insurance checked.

\_\_\_\_\_ Life \_\_\_\_\_ Disability \_\_\_\_\_ Property \_\_\_\_\_ Casualty \_\_\_\_\_ Vehicle \_\_\_\_\_ Surety \_\_\_\_\_ Title

1. Name of Applicant: \_\_\_\_\_

2. Business Address: \_\_\_\_\_

3. Residence Address: \_\_\_\_\_

4. Sex: \_\_\_\_\_ SS#: \_\_\_\_\_ DOB: \_\_\_\_\_

5. Home Phone #: \_\_\_\_\_ Work Phone #: \_\_\_\_\_

6. Do you intend to engage in any business or occupation other than as an insurance consultant? \_\_\_\_\_

State nature: \_\_\_\_\_

7. On below form give in detail previous residence, employment, etc., for the past five years.

From Mo. Yr.	To Mo. Yr.	Residence Showing All Changes Made	Name and Address of Employer	Employer's Line of Business	If not Employed by Others Give Occupation
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8. Kinds of insurance for which you have previously licensed as a consultant, if any? \_\_\_\_\_

Give state and years so licensed: \_\_\_\_\_

If member of firm, give firm name and address: \_\_\_\_\_

9. (a) If you have been licensed previously, or have applied for a license as an insurance consultant (or agent) in this or another state, territory or province, has your license ever been revoked, refused, suspended or otherwise held up? \_\_\_\_\_ If so, give causes and circumstances.
- \_\_\_\_\_
- \_\_\_\_\_
- (b) To your knowledge, have any complaints been made against you to the insurance department(s) of this or any such state, territory or province? \_\_\_\_\_ If so, give nature of complaints and circumstances:
- \_\_\_\_\_
- \_\_\_\_\_
- (c) Have you ever withdrawn any such application or surrendered any such license to avoid disciplinary action against such license or application? \_\_\_\_\_ If so, give nature and circumstances:
- \_\_\_\_\_
- \_\_\_\_\_
10. Have you ever been charged with theft, embezzlement, failure to account, or with any other irregularities in money transactions? \_\_\_\_\_ If so, give details.
- \_\_\_\_\_
11. Have you ever been arrested or indicted for, or convicted of any crime? \_\_\_\_\_
- If so, give details: \_\_\_\_\_
12. Has applicant ever had an agency contract cancelled? \_\_\_\_\_
- If so, by what company? \_\_\_\_\_
- Reasons for cancellation: \_\_\_\_\_
13. Have you or any firm of which you were a member, ever made a general assignment for the benefit of creditors, been insolvent, or been adjudged a bankruptcy? \_\_\_\_\_ If so, give details: \_\_\_\_\_
- \_\_\_\_\_
14. Are you familiar with the laws of Montana governing the licensing of insurance consultants and the penalties provided for the violations of the law?
- \_\_\_\_\_
15. Please state full information as to qualifications for licensing, special designations, etc. \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
16. Do you understand that the Insurance Commissioner has full authority to suspend or revoke any license issued to you under this application, at any time, as a penalty for the violation of the Insurance Laws of Montana, or the rules of the Insurance Department? \_\_\_\_\_
17. Do you understand that you are not to represent yourself as an insurance consultant until a license has been issued to you by the Insurance Department? \_\_\_\_\_

18. Do you understand that an insurance consultant may not receive any fee for examining, appraising, reviewing or evaluating any insurance policy, bond, annuity or pension or profit-sharing contract, plan or program or for making recommendations or giving advice with regard to any of the above, unless the compensation is based upon a written memorandum signed by the party to be charged and specifying or clearly defining the amount or extent of the compensation? \_\_\_\_\_
19. Do you understand that no person licensed as an insurance consultant may receive any compensation, direct or indirect, as a result: (1) of the sale of insurance or annuities to, or (2) the use of securities or trusts in connection with pensions for, any person to whom any licensee has performed any related consulting service for which he has received a fee within the preceding twelve (12) months? \_\_\_\_\_
20. Do you understand that no person licensed as an insurance consultant may recommend or encourage the purchase of insurance, annuities or securities from any authorized insurer in which he or any member of his immediate family holds an executive position or holds a substantial interest? \_\_\_\_\_

***NON-RESIDENT APPLICANTS MUST COMPLETE ITEMS 21 THROUGH 23***

21. Does your state allow Montana consultants to hold a Non-resident license issued by your Insurance Department? \_\_\_\_\_
22. Do you understand that the licensee may not enter the State of Montana to solicit business, inspect risks, or otherwise conduct business in this state, unless the state of the licensee's domicile grants similar privileges to residents of Montana holding Non-resident licenses issued by such other state? \_\_\_\_\_
23. I, \_\_\_\_\_ hereby appoint the Commissioner of Insurance of the State of Montana, as my attorney to receive service of legal process issued against me in the State of Montana upon causes of action arising with the State of Montana out of transactions under my Non-resident consultant's license; I further certify that service of legal process upon the Commissioner as my attorney and shall constitute effective legal service upon me as a Non-resident consultant and that the appointment shall be irrevocable for as long as there can be any cause of action against me arising out of my insurance transactions in/or with respect to the State of Montana.

TYPE OR PRINT NAME OF APPLICANT: \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

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**RENEWAL OF CONSULTANT LICENSE**

To the Insurance Commissioner of the State of Montana:

The undersigned hereby applies for the renewal of a license to act as consultant pursuant to the provisions of Sections 33-17-501 through 33-17-513 of the Montana Code Annotated. This application for renewal is for the following authority:

AUTHORITY: (Check one) \_\_\_\_\_ \$100.00 Biennial Renewal Fee Enclosed

\_\_\_\_\_ LIFE & DISABILITY

\_\_\_\_\_ MULTI-LINE PROPERTY/CASUALTY

1. NAME \_\_\_\_\_  
please print or type

2. BUSINESS ADDRESS \_\_\_\_\_

3. RESIDENCE ADDRESS \_\_\_\_\_

4. \_\_\_\_\_ Business Phone

\_\_\_\_\_ Residence Phone

\_\_\_\_\_ e-mail Address

5. PROFESSIONAL DESIGNATIONS \_\_\_\_\_

6. SOCIAL SECURITY NUMBER \_\_\_\_\_

7. DATE OF BIRTH \_\_\_\_\_

I hereby acknowledge that as holder of a consultant's license, I may not receive a commission, service fee, brokerage fee, or other valuable consideration for the sale or service of a line of insurance, annuity, security or pension trust if I have received compensation from the client for consulting services on the same line of insurance, annuity, security or pension trust sold or serviced within the preceding 24 months.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Consultant

Title 33, Chapter 17 Part 5, Montana Code Annotated

Consultants

33-17-102. Definitions. As used in this title, the following definitions apply: (6) (7) (11).

(6) "Consultant" means a person who for a fee examines, appraises, reviews, or evaluates an insurance policy, annuity, or pension contract, plan, or program or who makes recommendations or gives advice on an insurance policy, annuity, or pension contract, plan, or program.

(7) "Consultant license" means a document issued by the commissioner that authorizes a person to act as an insurance consultant.

(11) "License" means a document issued by the commissioner that authorizes a person to act as an insurance producer for the lines of authority specified in the document. The license itself does not create actual, apparent, or inherent authority in the holder to represent or commit an insurer to a binding agreement.

**33-17-501. Short title.** This part may be cited as "The Montana Insurance Consultant Licensure Act".

**33-17-502. Prohibition on representation as consultant -- receiving fee.** (1) A person not licensed as an insurance consultant in this state who identifies or represents to the public that the person is an insurance consultant without having been licensed as an insurance consultant under this part or a person who uses any other designation or title that is likely to mislead the public and represents to the public that the person has particular insurance qualifications other than those for which the person may be otherwise licensed or otherwise qualified may be fined pursuant to [33-1-317](#).

(2) A person not licensed as an insurance consultant with respect to the relevant kinds of insurance who receives a fee for examining, appraising, reviewing, or evaluating any insurance policy, annuity or pension contract, plan, or program or who makes recommendations or gives advice with regard to any insurance policy, annuity or pension contract, plan, or program without first having been licensed by the commissioner as an insurance consultant may be fined pursuant to [33-1-317](#).

(3) This part does not apply to:

(a) licensed attorneys at law in this state acting in their professional capacity; or

(b) an actuary or a certified public accountant who provides information, recommendations, advice, or services in a professional capacity if neither the actuary nor the certified public accountant or the actuary's or certified public accountant's employer receives any compensation directly or indirectly on account of any insurance, bond, annuity or pension contract that results in whole or part from that information, recommendation, advice, or services.

**33-17-503. Application -- fee -- expiration.** (1) Before a consultant license is issued or renewed, the prospective licensee shall:

(a) properly file with the office of the commissioner a written application on forms the commissioner prescribes; and

(b) pay a fee pursuant to [33-2-708](#), which the commissioner shall forward to the state treasurer to be deposited in the state special revenue fund to the credit of the state auditor's office.

(2) A consultant license continues in force until lapsed, suspended, revoked, or terminated.

**33-17-504. Issuing license -- limitations.** The commissioner may issue a consultant license to an individual who has complied with the requirements of this chapter with respect to either life insurance, meaning all of those kinds of insurance authorized in [33-1-207](#), [33-1-208](#), [33-20-1001](#), [33-21-103](#), [33-22-501](#), and [33-22-601](#), or general insurance, meaning all of those kinds of insurance authorized in [33-](#)

[1-206](#), [33-1-207](#), [33-1-209](#) through [33-1-212](#), [33-1-214](#) through [33-1-219](#), and [33-1-221](#) through [33-1-229](#), as specified in the license.

**33-17-505. Qualification examination.** (1) In order to determine the competency of an applicant for a consultant license, the commissioner shall require the applicant to pass an examination.

(2) The commissioner may conduct the examination or make arrangements, including contracting with an outside testing service, for administering the examination and collecting the fees required by [33-17-503](#). The commissioner may arrange for the testing service to recover its cost of the examination from the applicant.

**33-17-506. Grounds for refusal to issue license.** The commissioner may refuse to issue a consultant license if, in his judgment, the applicant is not trustworthy and competent to act as a consultant, has given cause for revocation or suspension of a license, or has failed to comply with any prerequisite for the issuance of a license.

**33-17-507. Revocation.** The commissioner may revoke or suspend a consultant license for a specified period after giving notice and conducting a hearing. To revoke or suspend a license, the commissioner shall determine that the licensee:

(1) has violated any provision of or any obligation imposed by the insurance law or has violated any law in the course of dealing as an insurance consultant;

(2) has made a material misstatement in application for a consultant license;

(3) has been guilty of fraudulent or dishonest practices; or

(4) has demonstrated incompetency or untrustworthiness to act as an insurance consultant.

**33-17-511. Consideration for services only on written memorandum.** A person licensed as an insurance consultant under this part may not receive a fee for examining, appraising, reviewing, or evaluating an insurance policy, bond, annuity or pension or profit-sharing contract, plan, or program or for making recommendations or giving advice with regard to any of the above unless the compensation is based upon a written memorandum that includes the insurance consultant's Montana insurance license number and is signed by the party to be charged and specifying or clearly defining the amount or extent of the compensation. An insurance consultant shall retain a copy of every memorandum or contract for not less than 3 years after those services have been fully performed.

**33-17-512. Limitation on type of consideration.** A licensed insurance consultant may not receive a commission, service fee, brokerage fee, or other valuable consideration for the sale or service of a line of insurance, annuity, security, or pension trust if the consultant has received compensation from the client for consulting services on the same line of insurance, annuity, security, or pension trust sold or serviced within the preceding 12 months.

**33-17-513. Restrictions on insurers recommended by licensee.** A person licensed as an insurance consultant under this part may not recommend or encourage the purchase of insurance, annuities, or securities from an authorized insurer in which he or any member of his immediate family holds an executive position or holds a substantial interest.